

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

EMORY S. REDFEAR,)	
)	
Plaintiff,)	
)	
v.)	1:08CV904
)	
LEWIS SMITH and SAMI HASSAN,)	
)	
Defendants.)	

ORDER

On October 12, 2010, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docket Entries 38 & 39.) Plaintiff filed objections to the Recommendation within the time limit prescribed by Section 636. (Docket Entry 41.)

The Court has reviewed Plaintiff's objections de novo and finds they do not change the substance of the United States Magistrate Judge's Recommendation which is affirmed and adopted.

IT IS THEREFORE ORDERED that Defendant Hassan's Motion for Summary Judgment (Docket Entry 18) and Defendant Smith's Motion for Summary Judgment (Docket Entry 25) are granted, that this action is dismissed, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

IT IS FURTHER ORDERED that, to the extent they constitute motions and not responses to Defendants' summary judgment motions, Plaintiff's Motion to Dismiss Summary Judgment (Docket Entry 28) and Motion for Dismissal of Defendant [sic]

Motion for Summary Judgment (Docket Entry 30) are denied.

This the 29th day of March, 2011.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge